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ABSTRACT

A study was conducted to see if differences in attitudes and definitions exist between faculty and administrators toward the concept of academic freedom. The purpose was to gain a better understanding of their attitudes toward, and the perceptions of, academic freedom and compare those perceptions to the academic freedom general taxonomy. Academic administrators, department chairs, and full-time faculty members in the 15 senior colleges in The University System of Georgia received survey instruments that focused on the following five areas: (1) an individual faculty member's political or religious beliefs; (2) teaching and classroom discussions; (3) research and scholarship; (4) personal conduct outside the classroom; and (5) institutional academic freedom. Statistical analysis reveals all three groups share a common, high opinion concerning the value of academic freedom, but differences were found in defining the scope of academic freedom. It is suggested that potential differences exist on campus among faculty, department chairs, and administrators that may lead to conflicts and challenges related to academic freedom. A review of campus policies and procedures by academic policy-makers related to the broad areas identified by this study may reduce the potential for legal actions within the academy. An appendix notes 16 case studies derived from actual court cases used in the survey questionnaire. Contains 14 references. (SM)

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A Comparison of Faculty Members' and Administrators' Definitions of, and Attitudes Toward, Academic Freedom

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This paper was presented at the annual meeting of the Association for the Study of Higher Education held at the Adam's Mark Hotel in St. Louis, Missouri, November 3-6, 1988. This paper was reviewed by ASHE and was judged to be of high quality and of interest to others concerned with the research of higher education. It has therefore been selected to be included in the ERIC collection of ASHE conference papers.

A Comparison of Faculty Members' and Administrators' Definitions of, and Attitudes Toward, Academic Freedom

"The very special status of what came to be called academic freedom has gradually been eroded, and there hardly remains an awareness of what it means" - Allan Bloom - *The Closing of the American Mind* (p.260).

The literature related to the concept of academic freedom supports Bloom's assertion suggesting substantial differences exist concerning its legal, educational, and philosophical meanings. Regardless of the breadth and usage of the term, faculty members perceive academic freedom as an unquestionable right of their position in the academy. Academic freedom is traditionally regarded as essential to the missions of higher education including teaching, research and public service.

The original notion of academic freedom within American higher education dealt primarily with the constitutional freedoms (especially the freedoms of expression and association), which were of utmost importance to the American Association of University Professors in 1915, the year the association was founded (Hofstadter & Metzger, 1955). Today, the statutory evolution of civil rights legislation, constitutional freedoms and the development of employee rights has absorbed many of the protections encompassed by the original intent of academic freedom.

Contemporary institutions of higher education face new and evolving challenges which threaten faculty autonomy and administrative decision-making, such as the increasing level of involvement by public officials in policy-making and the assessment of educational outcomes by various internal and external agencies (Ostar, 1988). Evaluative methods on campus now keep track of teaching, service and research activities. These new

complexities create a need for greater accountability by campus officials in order to determine if colleges and universities are actually delivering what they promise to their constituencies. The involvement of public officials in the academy's efforts to measure educational effectiveness has drastically changed the institutional-faculty relationship (Olswang and Lee, 1986).

The unquestioned right to academic freedom and the concept's usefulness within today's educational institutions is being challenged by legal scholars, educators, and government officials (Ladenson, 1986; Davis, 1986; Olswang and Lee, 1984). Many legal philosophers question why academics deserve greater or more comprehensive rights than any other group of citizens (Ladenson, 1986). Poulos (1987) states that the term academic freedom is "difficult, if not impossible, to define in terms which are not so general as to lack all utility "(p. 834). The traditional lines of authority in academic governance have shifted away from a faculty dominated model to one which includes significant levels of involvement by external officials (state boards, accrediting agencies, state legislators and the federal government) who may or may not value the traditional notions protected by academic freedom.

The value of academic freedom, perhaps questioned in terms of its legal and philosophical usefulness, maintains an elevated status within the academy among faculty and administrators. Sanford (1986) emphasized the importance and relevancy of the concept by stating that the philosophy that has guided higher education in America "generally in all of its changing aspects, is the matrix of freedoms most essential to the institution: academic freedom. That essence has not always been at full strength - not in the beginning of this nation and not now" (p.1). Educators are continually challenged by the principle of academic freedom to provide and promote the freedom of teachers to teach and the rights of students to learn. Sanford illustrated this point regarding academic freedom in public

higher education by citing the highly publicized trial at the University of Georgia dealing with preferential treatment to student-athletes. "The newspapers generally missed the real point of the case, reporting it almost exclusively as a story about favoritism for athletes. . . The real point of the case of Professor Jan Kemp was academic freedom, the freedom to rock the boat - to express unpopular opinion, to question authority -- in an academic setting in pursuit of academic enterprise" (p. 1).

Many various challenges and conflicts faced by faculty and administrators involve concepts related to academic freedom including tenure, due process, employment policies and procedures, teaching and classroom discussions, and the appropriateness of certain research and scholarly activities. Many of these conflicts arise within the academic community without a general ageement as to the meaning of academic freedom. In today's litigious environment on campus, academic freedom is being used as a catch-all term to protest everything from parking policies to trustees decisions, blurring the perception of those involved. Within the contemporary university, the term is most commonly used as a defense academics employ against the intrusion of external interests as well as protection from fellow faculty members (Davis, 1986).

Despite an abundance of studies and scholarly articles related to the legal parameters of academic freedom as defined by the courts, relatively little is known about contemporary faculty members' and administrators' definitions of, and attitudes toward, the concept of academic freedom. These studies and articles focus on conflicts and challenges which have already occurred, without the benefit of knowing any of the preconceived notions that may have precipitated the original action taken by those involved. The attitudes toward, and definitions of, academic freedom held by faculty and administrators precede actions which may result in subsequent litigation.

Five general areas related to academic freedom are identifiable in the literature. Oslwang and Lee (1984) presented four major areas in which the courts have decided issues

of academic freedom, including an individual faculty member's political or religious beliefs, teaching and classroom discussions, research and scholarship, and personal conduct outside the classroom. These areas include the generally accepted historical concepts of academic freedom contained within such documents as the American Association of University Professor's *1940 Statement of Principles on Academic Freedom and Tenure*. Contemporary legal scholars have identified a fifth general area , related to the academy's freedom from increasing governmental regulation, as institutional academic freedom (Finkin, 1983; O'Neil, 1984; Yudof, 1987). Throughout the literature, these five general areas taken together form a general taxonomy of college and university activities in which the courts have provided academic freedom protection.

Utilizing this general taxonomy of cases identifiable within the academic freedom literature, this study was designed to determine if differences in attitudes and definitions exist between faculty and administrators toward the concept of academic freedom. The purpose of the study is to gain a better understanding of current faculty members' and administrators' attitudes toward, and perceptions of, academic freedom and, subsequently compare those perceptions to the academic freedom general taxonomy. A clarification of the term's meaning and usage within higher education will hopefully reduce the potential for conflict related to the rights and responsibilities of individual faculty and institutions.

METHOD

Design and Sample

This study on academic freedom is a cross-sectional ex post facto design involving a survey of academic administrators, department chairs, and full-time faculty members in the fifteen senior colleges in The University System of Georgia. The fifteen state colleges and universities within the state of Georgia employ approximately 2,130 full-time faculty members, 232 department chairs, and 123 academic administrators

(including presidents, academic vice presidents, associates and assistants). The research population included all academic administrators and department chairs, as well as a simple random sample of 700 full-time teaching faculty members (one-third of the total population of faculty members).

Instruments were distributed by mail to the entire sample in March, 1988. During June, 1988, a second follow-up questionnaire was mailed to all non-respondents. Sample size and usable response rates are shown in Table 1. Chi-square goodness of fit tests indicate that the sample of 311 faculty, 231 department chairs, and 123 administrators are representative of the research population from which they were drawn with respect to sex, rank, discipline, and institutional representation.

Table 1. Size and Percentage of Useable Responses.

Group Type	Population	Number of Responses	Response Rate
Faculty	701	311	44.4 %
Department Chairs	231	126	54.6
Administrators	123	83	67.5
Total	1055	520	49.3 %

Instrument

A survey questionnaire was designed to measure faculty members' and administrators' definitions of, and attitudes toward, academic freedom. The questionnaire has three sections: a) a demographic and background information section; b) a 12-item semantic differential scale, using a seven-point rating scale for each of the 12 bi-polar

adjectives (Snider and Osgood, 1969) to measure the respondents' attitudes toward the concept of "academic freedom;" and c) sixteen brief summaries of actual court cases, respondents being asked whether they think academic freedom was an issue in each case. Responses were on a four-point scale, where 1 = "clearly not an issue" and 4 = "clearly an issue".

The five category structure identified earlier was used, with three cases in each of four of the categories and four in the fifth category (research and scholarly activities). The individual case studies are identified in Appendix A. Items 1, 8, and 12 fit within the constitutional freedom component of the academic freedom taxonomy. Items 2, 6, and 16 are case studies believed to reflect the teaching and classroom discussion component of the academic freedom taxonomy. Items 3, 7, 10, and 14 deal with the research component of the taxonomy. The personal conduct section of the academic freedom taxonomy is covered by items 5, 9, and 13. Finally, items 4, 11, and 15 involve cases in the area of institutional academic freedom.

The items were constructed to reflect the court decisions cited by legal and educational researchers as representative of the five broad areas protected by the courts under the concept of academic freedom (Finkin, 1983; AAUP, 1940; Yudof, 1986; Oslwang and Lee, 1984; O'Neil, 1983). Faculty members with specialties in the law and higher education at the Institute of Higher Education at the University of Georgia judged these cases to be clear reflections of the five broad areas of judicial protection.

Statistical Analysis

The analysis of data began with a principle component analysis of the twelve-item semantic differential scale to determine any underlying attitudes toward the concept of academic freedom. A principle components analysis was also done for the sixteen case studies in order to determine if the underlying factors were consistent with the general taxonomy of cases within the academic freedom literature.

Following each principle components analysis, factors with eigenvalues > 1.0 were subjected to varimax rotation (Kaiser, 1959). An analysis of variance was performed on the factor scale scores for both the semantic differential and the sixteen case study factors to determine if statistically significant differences existed between faculty members, department chairs, and administrators concerning their attitudes toward, and definitions of, academic freedom. Where significant overall differences were found to exist among the three groups, Scheffe and Tukey's post hoc comparisons were made to identify those groups that differed from one another at non-chance levels ($p < .05$ for Scheffe method and $p < .10$ for Tukey procedure).

RESULTS

The principle components analysis of respondents' semantic differential responses yielded two factors with eigenvalues > 1.0. The items that loaded highest on these two factors are shown in Table 2. Factor I , "Goodness/Merit", seems to measure the respondents' attitudes toward the concept of academic freedom in terms of evaluating the worth or merit of the concept. Factor II, "Scope/Profundity" seems to tap the respondents' perceptions of the concept usage in terms of its depth and breadth within contemporary higher education. The two factors accounted for 53.3 percent of the total variance within the correlation matrix. Table 3 reports the group means and standard deviations of the factor scale scores. Grouped mean scale scores were derived by summing each respondent's raw scores with rotated factor loadings of .50 and above on a particular factor. The bipolar adjectives within Factor I indicate a strong conclusive evaluative measure of academic freedom by all three group-types. The second factor seems to relate to the active intellectual breadth of the concept.

One-way analysis of variance revealed no statistically significant differences among faculty members, department chairs, or administrators in terms of their attitudes on either Factor I (goodness/merit) or Factor II (scope/profundity).

Table 2. Varimax Factor Loadings Derived From Responses to Semantic Differential Scale (N= 520).

Bipolar Pairs	Factors		
	I. Goodness/ Merit	II. Scope/ Profundity	h^2
Positive/Negative	.800	.099	.649
Valuable/Worthless	.788	.098	.631
Fair/Unfair		.151	.600
Good/Bad		.018	.572
Contemporary/Obsolete	.730	.024	.533
Strong/Weak	.692	.200	.519
Active/Passive	.638	.289	.491
Democratic/Undemocratic	.633	.038	.402
Dynamic/Static	.627	.395	.549
Complex/Simple	.050	.684	.470
Liberal/Conservative	.002	.673	.453
Broad/Narrow	.467	.553	.523
Eigenvalues (pre-rotated)	5.22	1.16	
Eigenvalues (rotated)	4.84	1.55	
% Variance explained	43.56	9.71	
% Cumulative variance explained	43.56	53.27	

Note: Variance percentages are rotated figures.

Table 3. Group means and standard deviations for responses to semantic differential scales.

Factors	N=	Means FAC 311	Means DEPT 126	Means ADMIN 83	Standard Deviations FAC	Standard Deviations DEPT	Standard Deviations ADMIN	p<
I. Goodness/ Merit		17.87	18.30	18.99	7.22	7.16	7.98	n.s
II. Scope/ Profundity		11.03	11.67	11.39	3.64	4.05	3.84	n.s

Note: Minimum value for Factor I = 8.0 -- Maximum value = 56.0
Minimum value for Factor II = 4.0 -- Maximum value = 28.0

The factor analysis of the sixteen case studies yielded five factors (see Table 4). Although the number of factors is consistent with the number of broad areas found within the academic freedom literature, respondents to the survey categorized the various cases somewhat differently than the general taxonomy used to formulate the survey instrument. Each factor has been given a tenative label judged to represent the underlying factor identified by the varimax rotation of components with eigenvalues > 1.0. The five factors accounted for 51.7 percent of the variance in the correlation matrix.

Factor I, termed "academic personnel decisions," included cases dealing with institutional income policies, leave policies, internal transfers and collective bargaining. Factor II was identified as "freedom of expression" and included situations dealing with the use of profanity in the classroom, protest marches, scientific inquiry, and the distribution of political materials on campus. Factor III, "rights of instruction" appeared to tap issues dealing with the content of lecture materials, non-traditional fields of study, and pedogogical methods. The fourth factor, "research information disclosure" included cases dealing with the disclosure of research data and the identification of research subjects. Factor V, unnamed in Table 4, was judged to be uninterpretable within the context of the sixteen case studies.

Table 4. Varimax factor loadings derived from responses to sixteen case studies. (N=520)

Variable (Case)[a]	(I) Academic Personnel Decisions	(II) Freedom of Expression	(III) Rights of Instruction	(IV) Research Information Disclosure	(V) Unnamed	h^2
Five	.697	-.022	.065	-.020	.045	.494
Eight	.656	.098	.150	.053	-.090	.474
Nine	.583	.346	-.125	.012	.150	.497
Eleven	.568	.098	-.023	-.180	.109	.377
Fourteen	-.083	.665	.138	-.142	.089	.497
Fifteen	-.286	-.518	.238	.118	-.094	.430
Two	.261	.502	.209	.346	-.060	.487
Thirteen	.395	.496	-.209	-.017	-.255	.511
Sixteen	-.041	.059	.737	.004	-.008	.549
Seven	-.367	.035	-.596	.090	-.063	.503
Six	.098	.038	-.515	.260	.255	.407
Ten	-.101	-.184	-.003	.714	.132	.571
Three	-.067	.056	-.197	.711	-.114	.566
Four	-.162	-.216	.003	.197	-.680	.576
Twelve	-.018	-.276	-.235	.312	.628	.623
Eigenvalues (Pre-rotated)	2.73	1.80	1.45	1.17	1.12	
% Variance Rotated Factors	17.07	11.23	9.08	7.29	5.90	
% Variance Cumulative	17.07	28.31	37.39	44.68	51.65	

[a] See Appendix A for narratives used in each case.

The analyses of variance indicated statistically significant differences exist among the three groups at the .05 level on three of the five underlying factors: academic personnel decisions, freedom of expression, and rights of instruction. The grouped means and standard deviations of the responses to the sixteen case studies by group-type are given in Table 5.

Table 5. **Grouped means and standard deviations of the response to the sixteen case studies.**

	Means			Standard Deviations			
	FAC	DEPT	ADMIN	FAC	DEPT	ADMIN	
Factors	N= 311	123	83				p<
I. Academic Personnel Decisions	10.34	11.18	11.96	2.58	2.60	2.42	0.001
II. Freedom of Expression	9.90	11.18	10.33	1.93	1.67	1.98	0.05
III. Rights of Instruction	8.95	8.77	8.33	1.21	1.19	1.26	0.01
IV. Research Information Disclosure	6.16	6.04	5.99	1.65	1.57	1.64	n.s.
V. Unamed	4.74	4.75	4.56	1.12	1.13	1.19	n.s

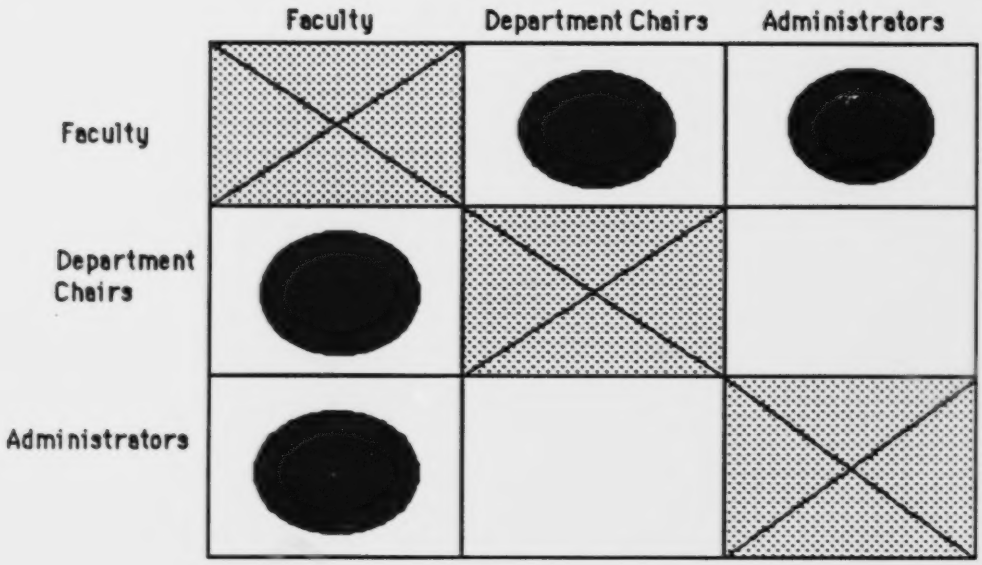
Note: Minimum actual value for: Factor I = 4.0 Maximum actual value = 16.0
Factor II = 4.0 = 16.0
Factor III= 3.0 = 12.0
Factor IV= 2.0 = 8.0
Factor V= 2.0 = 8.0

n.s. = not significant

Where significant overall differences among the groups existed, the Scheffe method and Tukey's procedure were utilized to determine which specific pairs differed as to

the meaning of academic freedom. Administrators and department chairs appear to define academic freedom differently than faculty in terms of "academic personnel decisions" ($p < .05$) with a critical F-value of 3.01. Academic personnel issues include decisions related to outside income, faculty transfers, leaves of absence, and collective bargaining. Figure 1 illustrates differences between the groups with a black circle, while no difference is illustrated by a blank space.

Figure 1. **Differences among group types on academic personnel issues (Factor I) using the Scheffe method.**

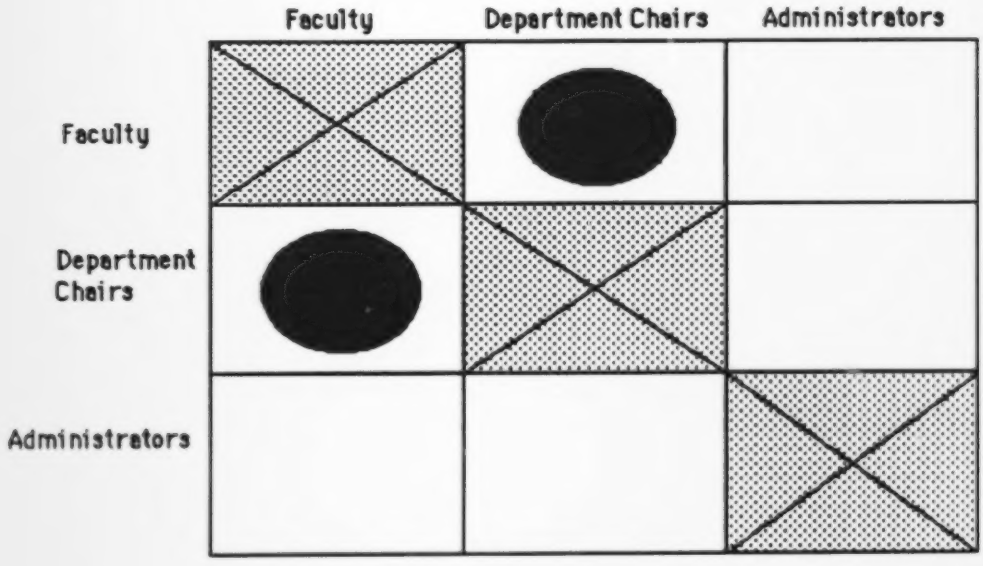


Note: Black circle indicates differences exist ($p < .05$)

Because of the conservative nature of the Scheffe method, the direction of the differences among the three groups on "freedom of expression" (Factor II) could not be determined (Bartz,

1981). For that reason, Tukey's procedure, a more liberal measure, was utilized to determine that department chairs seem to differ from faculty on case factors dealing with the "freedom of expression" at the .10 level. This factor includes the use of profanity in the classroom, faculty participation in protest marches, release of scientific data, and the distribution of political materials on campus. These differences are shown in Figure 2.

Figure 2. **Differences among group types on freedom of expression (Factor II) using Tukey's procedure.**

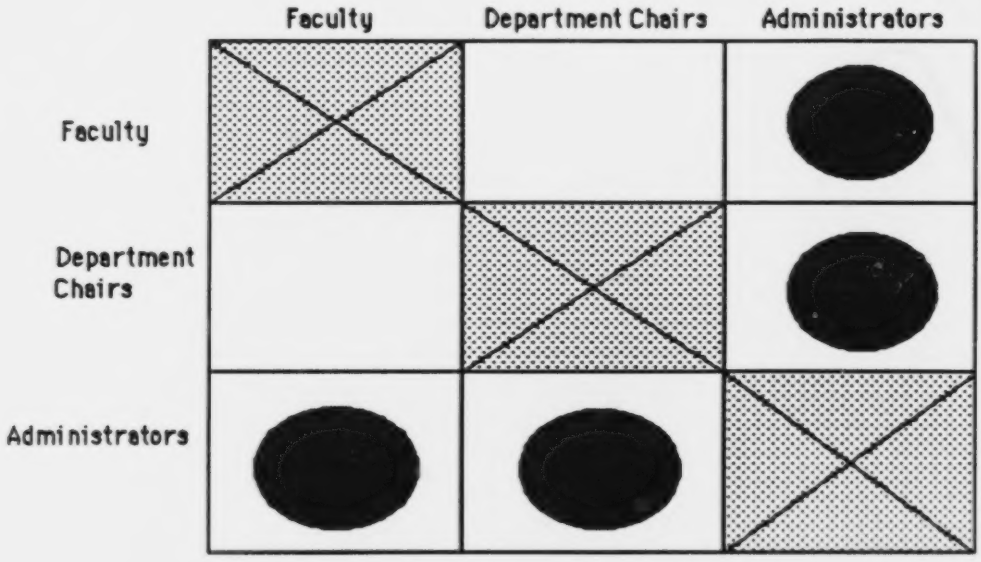


Note: Black circle indicates differences exist ($p<.10$)

Finally, Table 3 indicates that administrators appear to differ with faculty and department chairs on questions dealing the rights of instruction. The case factor termed "rights

of instruction" includes issues related to the contents of lecture discussions, faculty's concentration on a particular field of study, and specific pedgogical attitudes.

Figure 3. **Differences among group types on rights of instruction (Factor III) using the Scheffe method.**



Note: Black circle indicates differences exist ($p < .05$)

DISCUSSION

Growing pressures related to institutional accountability as well as the role of state and federal government affecting higher education will focus increased attention on the role of of academic freedom in higher education (Oslwang and Lee, 1984). The literature related to academic freedom suggests five primary areas defined by court decisions which affect faculty members , department chairs and administrators. These areas have been identified as conflicts related to institutional decision making, individual faculty members'

political or religious beliefs, teaching and classroom discussions, research and scholarship, and conduct outside the classroom (Finkin, 1983; AAUP, 1940; Yudof, 1986; & Oslwang and Lee, 1984; O'Neil, 1984). The results of this study indicate that faculty, department chairs, and administrators generally maintain similar attitudes concerning the value, scope, and breadth of academic freedom within the academy.

Whether the concept is difficult to define or is practically useful does not seem to affect the general attitude held by faculty, department chairs, and administrators toward academic freedom. Within this population, academic freedom is seen as positive, valuable, fair, good, contemporary, strong, active, democratic, dynamic, complex, liberal, and broad. It seems as if it may be hard to argue with the votes cast by acclamation for the value of academic freedom by responses to the survey from all three groups.

In contrast to the respondents' attitudes, differences were found among the groups in their practical definitions of the role of academic freedom within specific case studies. While the definition of academic freedom is different within a variety of circumstances, support for it is uniformly high across group-types. Although faculty, department chairs, and administrators all profess similar attitudes toward academic freedom, differences may be generated by the responsibilites inherent in their positions within the academy.

Because it is within the scope of their responsibilites, department chairs and administrators must make important decisions related to personnel issues. As the results of this study suggest, the line that department chairs and administrators draw defining the parameters of academic freedom protections of academic personnel decisions may naturally be different than that of the faculty. Department chairs, holding more closely to their role as administrators, appear to disagree with faculty concerning the degree by which issues related to the freedom of expression are protected by academic freedom. Finally, administrators, who by nature of their responsibilities monitor the performance and

conduct of academic personnel, seem to differ with faculty and department chairs over issues related to the rights of instruction. Each of the three groups agreed that the disclosure of research information was an integral component of academic freedom. These differences and similarities illustrate the potential for conflict as well as the opportunity for cooperation within today's colleges and universities.

Also, respondents to the survey did not define the concept of academic freedom along the similar lines as the general taxonomy of academic freedom found within the literature. The situation may exist within the academy that although individuals value the concept, university professionals not only define academic freedom differently than the general taxonomy within the literature, and once defined, differences may be determined to some extent by role or status about the actual scope of its protections. The factor scales suggest that respondents categorize the primary protections of academic freedom within four broad areas: (a) freedom of expression; (b) academic personnel decisions; (c) the rights of researchers; and (d) the rights of instruction.

The purposes of this study have been two-fold: (1) to identify the attitudes toward, and definitions of, academic freedom among faculty, department chairs, and administrators in relationship to the academic freedom literature; and (2) to determine if differences in attitudes and definitions exist between these various individuals. The statistical analysis reveals that all three groups on campus share a common, high opinion concerning the value of academic freedom. Differences exist although, when respondents were asked to define the scope of academic freedom. Because differences in definition exist between the group-types on academic personnel decisions, questions of freedom of expression, and the rights of instruction, the potential for conflict exists within many of the daily activities on college and university campuses. These three areas represent a large portion of the potential litigious conflicts which challenge higher education. More

refinement and research is necessary to further develop a useful and practical definition of academic freedom within the dynamic environment of American higher education. From a more comprehensive definition, programs and policies can be designed and implemented which may help to alleviate the potential for future conflict among faculty, department chairs, and administrators on college and university campuses.

While the results of this study suggest an alternative categorization of academic freedom issues to those provided in the literature, the study is limited to its reliance on public four-year institutions only. Because of the increased involvement of public officials and the different legal relationships which exist on the private campus, the study chose to limit its institutional selection. Replication of this study on a sample of private institutions would further the understanding of the concept of academic freedom.

This study suggests that potential differences exist on campus among faculty, department chairs, and administrators which may lead to conflicts and challenges related to academic freedom. A review of campus policies and procedures by academic policy-makers related to the four broad areas identifed by this study may reduce the potential for legal actions within the academy. The ability of individuals and institutions involved in academic freedom to gain a clearer understanding of the concept can lead to a positive, productive academic workplace. Without this understanding, the potential for conflict may be greatly increased and lead to an unnecessary adversarial relationship between faculty members, department chairs and administrators.

REFERENCES

Bartz, A.E. (1981). *Basic statistical concepts.* Minneapolis: Burgess Publishing Company.

Davis, M. (1986). Academic Freedom, impartiality, and faculty governance. *Law and Philosophy*, 52, 263-276.

Finkin, M.W. (1983). On institutional academic freedom. *Texas Law Review*, 61, 817-857.

Hofstadter, R. & Metzger, W.P. (1955). *The development of academic freedom in the United States.* New York: Columbia University Press.

Kaiser, H.F. (1959). Computer program for varimax rotation in factor analysis. *Educational Pyschological Measurements*, 19 (3), 413-420.

Ladenson, R.F. (1986). Is academic freedom necessary? *Law and Philosophy*, 5, 59-87.

Olswang, S.G., & Lee, B.A. (1984). *Faculty freedoms and institutional accountability: Interactions and conflicts*. ASHE-ERIC Higher Education Report No. 5 Washington, D.C.: Association for the Study of Higher Education.

O'Neil, R.M. (1983). Scientific research and the first amendment: An academic privilege. *U.C. Davis Law Review*, 16 (4), 837-855.

O'Neil, R. M. (1984). Academic freedom and the constitution. *The Journal of College and University Law*, 11 (3), 275-292.

Ostar, A.W. (1988, August). *Higher education to the year 2000.* Speech presented to the faculty at Chadron State College, Chadron, NE.

Poulos, J.W. (1983). The academy in the courts: A symposium on academic freedom (foreword). *U.C. Davis Law Review.* 16, (4), 831-835.

Sanford, T. (1986). Bassett to Kemp: Academic freedom today. *The eighth Earl V. Pullias lecture in higher and postsecondary education.* Speech delivered at the University of Southern California.

Snider J.G. & Osgood, C.E. (Eds.). (1969). *Semantic differntial technique: A source book.* Chicago: Aldine Publishing Company.

Yudof, M. G. (1987). Three faces of academic freedom. *Loyola Law Review*, 32 (4), 831- 858.

COURT CASES

Adamian v. *Jacobsen*, 523 F. 2d 929 (9th Cir. 1975).

Buchanan v. American Motors Corp., 697 F.2d 151 (6th Cir. 1983).

Connick v. *Meyers*, 103 S.Ct. 1684 (1983).

Cooper v. *Ross*, 472 F.Supp. 802 (E.D. Ark. 1979).

Dow Chemical Co. v. *Allen*, 672 F.2d 1262 (7th Cir. 1975).

Gross v. *University of Tennessee*, 620 F.2d 109 (1980).

Hetrick v. *Martin*, 480 F.2d 705 (6th Cir. 1973).

Lynn v. *Regents of the University of California*, 656 F.2d 1337 (9th Cir. 1981).

Martin v. *Parrish*, 805 F.2d (5th Cir. 1986).

Minnesota State Board v. Knight, 465 U.S. 271 (1984).

Pickering v. *Board of Education*, 391 U.S. 563 (1968).

Regents of the University of Michigan v. *Ewing*, 106 S.Ct. 507 (1985).

Stastny v. *Board of Regents*, 647 P.2d 496 (1982).

Sweezy v. *New Hampshire*, 354 U.S. 234 (1957).

U.S. v. *Doe* (In re Popkin), 460 F.2d 328 (1st Cir. 1972).

Appendix A

Sixteen Case Studies Derived From Actual Court Cases Used In Survey Questionnaire

Case Number	Case Summary

Case #1 - Smith was a professor of English at a small, public, four-year college. The local community where the school was located became involved in a dispute over zoning on the edge of town. Smith chose to speak out against the local city government despite warnings from his department chair that his public stance could cost Smith his job.

Case #2 - Professor Clark was a non-tenured faculty member in the department of economics. A student complained about Clark's use of profanity in the classroom, and the dean of the college warned Clark if he continued to use abusive langauge he would be terminated. A month later two students filed complaints, charging that Clark had cursed at his students. Clark claimed that his speech was meant to motivate his class.

Case #3 - The Food and Drug Administration planned to hold a hearing concerning the safety of a new artificial sweetener. The company that planned to manufacture the sweetener knew that two researchers at the state university were conducting research related to the effects of the sweetener's primary chemical ingredient. The company sought release of the raw data generated from the ongoing research. The researchers denied to comply with the administrative subpoena, stating, that the premature release of data might cause inadvertent damage to their study.

Case #4 - A public four-year college initiated a program which combined an undergraduate and masters degree program in engineering. In order to qualify for the graduate portion of the program, students were required to complete a national engineering board exam. Morgan, a student in the program failed the exam and was given a specific period of time to prepare for a retest. After failing the retest, she was denied permission to continue in the combined program in accordance with the written policies of the college.

Case #5 - The university implemented a new institution-wide policy which would siphon off outside faculty income above a certain level. The university stated that the policy was intended to maintain the faculty's devotion to teaching and that outside activities might interfere with those duties. Cooke, a tenure-track assistant professor, was terminated for refusing to sign the agreement.

Case #6 - Professor Allen, a faculty member in the department of political science, invited an internationally recognized scholar to deliver a series of lectures to her political theory class. The lecturer, a Marxist, was known to be an outspoken critic of capitalism and had the ability to stir emotions and controversy while lecturing. Several student groups as well as the local chapter of a conservative political activist group protested the scholar's invitation. The president suggested that the professor cancel the lecture.

Case #7 - Thompson was a candidate for tenure. She was well-liked by her colleagues and had maintained an excellent record of publishing. During Thompson's six years in the sociology department, however, the focus of her research interests had shifted to a concentration in women's studies. The tenure review committee stated that women's studies were not a "worthy endeavor" and therefore denied Thompson tenure on the basis of her research.

Case #8 - A shortage of faculty in the developmental studies program led the dean to transfer several faculty members, including Cooper, from other departments. Cooper, an English professor verbally opposed the move. He then wrote and distributed a questionnaire to other faculty members which questioned the academic dean's leadership abilities. The dean advised Cooper that he [Cooper] was being charged with insubordination for distributing the questionnaire and refusal of the transfer would result in termination.

Case #9 - Professor Hill requested leave in October for a trip to Sweden to deliver a paper. He had a long history of paid and unpaid leaves. Hill requested leave for January 2-11. The department head granted Hill's request but indicated permission for leave would be for January 2-9, citing the need for Hill's help during registration. Hill stated that his plans could not be changed. He did not return until January 11. The department head dismissed Hill for insubordination and violation of published college rules.

Case #10 - Professor Core, an anthropologist whose research interest was Vietnamese village life, was called before a federal grand jury investigating the unauthorized release of classified papers. The grand jury requested the names of Vietnamese villagers whom Core had interviewed during his studies. Core declined the grand jury's request and was cited for contempt of court.

Case #11 - The state Public Employment Labor Relations Act authorized state employees to bargain collectively over terms and conditions of employment. The statute also allowed for professional employees, within a bargaining unit, such as college faculty, to "meet and confer" with management (e.g., a college's administration) on issues beyond the scope of mandatory bargaining. However, the bargaining unit must designate representatives to "meet and confer." Faculty members outside of the bargaining unit could not take part in the "meet and confer" process. Twenty community college faculty, who were not members of the bargaining unit, brought legal action claiming that they had been deprived of their opportunity to participate in their employer's making of policy.

Case #12 - The state legislature initiated a loyalty program in an effort to eliminate "subversive individuals" in public employment. An inquiry was initiated by the attorney general into the actions of Professor Adams, a known member of the Progressive Party. When called by the board of inquiry, Adams refused to answer questions related to the contents of alecture she had delivered at the state college.

Case #13 - Professor Walls, a tenured assistant professor, participated during homecoming celebrations in a march protesting the United States' involvement in Central America. The demonstrators, led by Walls, went beyond the limits of the permit to march they had received by stopping traffic and disrupting other activities. The board dismissed Walls in accordance with university rules which were adopted verbatim from the Statement of Principles from the professor's association.

Case #14 - The chairman of the department of microbiology began to receive inquiries from other scientists concerning the published results of a study conducted by Professor Delk. Many of the inquires clearly stated that the results of Delk's study could not be reproduced in other laboratory settings. The number of questions being raised prompted the department chairman to initiate an internal review of the study. The review board requested extensive information from Delk concerning the methodology and results of the study. Delk refused to turn the information over to the committee. Formal university charges were brought against the researcher.

Case #15 - A private college had a rule prohibiting the distribution of political or religious materials on campus by individuals unaffiliated with the college, unless the individuals had been invited by a student or an employee. The college regularly invited the public on campus for a variety of events and strongly encouraged the free interchange of ideas between campus and community members. Crosby, an individual not enrolled or employed in the college, entered the campus to distribute and sell literature on behalf of Progressive Labor Party. Based on its policy, the college asserted its right to maintain a proper educational atmosphere. Campus police arrested Crosby for trespassing and he was fined fifteen dollars.

Case #16 - The humanities department on the local public four-year college campus offered a seminar class for juniors and seniors dealing with contemporary western philosophy. Professor Kerr, a non-tenured instructor, gave each student considerable freedom in the classroom. Other faculty members became concerned over Kerr's teaching methods. At the end of the year, Kerr was notified that her contract would not be renewed. The reason given was that her "pedagogical attitudes" were at variance with those of the administration.